IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.330 OF 2006

Vinayak Keshav Manjrekar .. Applicant

Versus

Minoo Hiramanek & Anr. .. Respondents

Mr.P.B.Patil for applicant

Mr.Shabir Rasiwalla, for respondent No.1.

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th November 2006.

P.C.

. Heard Mr.Patil for petitioner and Mr.Rasiwalla for first respondent - original complainant.

2. From a perusal of the ad-interim order passed by this Court, it is apparent that the appeal preferred by the petitioner accused before the lower appellate court has been dismissed for want of compliance of the undertaking given to the lower appellate court, with regard to deposit of Rs.2 lakhs.

3. This Court issued notice upon a statement of petitioners that he would arrange to deposit a sum of Rs.2 lakhs and thereupon this Court should direct revival of the appeal for being disposed of on merits and in accordance with law.

4. This Court has recorded further fact that the applicant/petitioner has deposited only Rs.50,000/- and sought extension to deposit Rs.1,50,000/-. The balance sum was to be deposited by today i.e. the time sought from this Court as recorded in the order dated 12th

October 2006.

5. Mr.Patil states that the applicant could not arrange to deposit this balance amount and, therefore, further extension be granted. He states that by 30th November 2006 the balance sum would be deposited in this Court.

6. Learned Advocate for original complainant first respondent states that the matter has been pending for considerable time even in this Court.

7. In my view, interest of justice would be sub-served if a last opportunity is given to the applicant to deposit the balance sum of Rs.1.50 lakhs in terms of the assurances given to this Court on 25th August 2006. If the amount is deposited in this Court and proof of the said deposit is produced before the Registry of the lower Appellate Court, learned Judge to thereupon restore the appeal preferred by the applicant for

disposal on merits and in accordance with law, uninfluenced by the earlier order and observations of this Court.

8. Further needless to state that if the balance amount is not deposited, then, the appeal to stand dismissed as directed by the lower Appellate Court. Consequently, even the revision application would stand dismissed for want of compliance of the above assurance. In that event, the sum of Rs.50,000/- deposited in this Court shall be permitted to be withdrawn by the original complainant. All concerned to act on an authenticated copy of this order.

9. Revision application disposed of accordingly. In the light of disposal of revision application, Application No.200 of 2006 does not survive and disposed of accordingly.

(S.C.Dharmadhikari, J)